

To: Johnson, Alisha[Johnson.Alisha@epa.gov]
From: Abrahm Lustgarten
Sent: Tue 6/25/2013 5:52:33 PM
Subject: Re: Pavillion, WY

Hi Alisha,

I'm sure you're jammed with other stuff today, but I wanted to follow up on the two remaining questions from below. Also, could I ask for further, more general comment: There are now three water contamination cases where the EPA has aggressively swooped in to conduct research, found cause for concern on a scientific basis (not necessarily a connection to fracking, but cause for concern of environmental problems) and then backed out of its study without reaching any final conclusions or following through with its research. This happened in Dimock, PA — where contaminants were found but not at a level that exceeded drinking water standards, and where the methane issue was never concluded. It Happened in Parker County Texas, where the agency's own consultant on the project describes a clear-cut finding that the agency backed away from. And now there is Pavillion, WY, which is similar. (If not the fracking issue in the deep well in Pavillion, there is still the pit contamination and all the pollution in all the residents' drinking water wells.)

So in light of these cases, has there been an administrative decision inside the EPA to distance the agency from research which places it at the center of the heated debate about fracking? Why would the agency repeatedly reverse course and back away from research without completing it, when it appeared that in each of these cases the research was pointing to clear-cut environmental problems, and likely a link to energy industry activity (if not fracking... lets take a step back from that for the moment)?

Thank you,
Abrahm

From: "Johnson, Alisha" <Johnson.Alisha@epa.gov>
Date: Fri, 21 Jun 2013 10:09:43 -0400
To: Abrahm Lustgarten <abrahm.lustgarten@propublica.org>
Subject: RE: Pavillion, WY

Will get back to you on 2 & 7, but here are responses to the others:

1. Why is the EPA turning over the investigation to Wyoming officials, without completing its peer review process or reaching a final conclusion?

We have been working with the State throughout our groundwater investigation and are pleased that the State is exercising leadership on the next phase of investigation. At this stage, partnering with the State of Wyoming is the quickest and most effective way to protect public health and drinking water resources of the residents of Pavilion, Wyoming from potential water contamination. EPA's focus going forward will be on using its resources and technical expertise to support and provide input to the State during its investigation, which will build on EPA's initial monitoring results. EPA applauds the leadership of Wyoming in assuring the safety of the water consumed by Pavillion residents.

3/4. Is the investigation now considered formally closed, for EPA purposes?

Does the EPA retain any authority or influence over the process now, as the state of Wyoming continues?

We will be using our resources and technical expertise to support and provide input to the State during its investigation, which will build on EPA's initial monitoring results. The data collected during EPA's preliminary study of potential groundwater contamination in Pavillion, Wyoming will be considered by the State and the State will consult with EPA as that investigation progresses, provide draft reports for our review and comment and consider suggestions made by EPA for third-party experts.

5. Why did the EPA initially extend the public comment and review process two times?

EPA extended the public comment period for the draft research report to continue its public outreach activities, including meeting with key stakeholders and posting additional technical information on our website. These extensions also allowed the public additional opportunity to comment on EPA's draft report, its data and for the agency to consider new data, further stakeholder input, and public comment, as well as to review its options moving forward.

6. Is the EPA backing away from its initial conclusions regarding the source of groundwater constituents detected in Pavillion water wells?

After five phases of sampling, EPA's domestic water well sampling results have documented constituents of concern; however a source of those constituents has not been determined. The State, with our support, will be considering possible sources of contamination during its investigation.

While EPA stands behind its work and data, the Agency recognizes the State's commitment to further investigation and efforts to provide clean water and does not plan to finalize or seek peer review of its draft Pavillion groundwater report released in December, 2011. Nor does the Agency plan to rely upon the conclusions in the draft report.

Separately, EPA is conducting a major research program on the relationship between hydraulic fracturing and drinking water in different areas of the country and will release a draft report in late 2014. The agency will look to the results of this program as the basis for its scientific conclusions and recommendations on hydraulic fracturing.

8. Has the EPA ensured in any way that there will be continuity between Wyoming officials' investigation and the one started by the EPA, and that Wyoming will continue to examine for the same constituent contaminants in Pavillion water that the EPA has raised initial questions and had initial findings about?

We will be using our resources and technical expertise to support and provide input to the State during its investigation, which will build on EPA's initial monitoring results. The data collected during EPA's preliminary study of potential groundwater contamination in Pavillion, Wyoming will be considered by the State and the State will consult with EPA as that investigation progresses, provide draft reports for our review and comment and consider suggestions made by EPA for third-party experts.

From: Abraham Lustgarten [<mailto:Abraham.Lustgarten@propublica.org>]
Sent: Thursday, June 20, 2013 6:24 PM

To: Johnson, Alisha
Subject: Re: Pavillion, WY
Importance: High

Here's some questions:

1. Why is the EPA turning over the investigation to Wyoming officials, without completing its peer review process or reaching a final conclusion?
2. How much money did the federal government spend on this investigation to date?
3. Is the investigation now considered formally closed, for EPA purposes?
4. Does the EPA retain any authority or influence over the process now, as the state of Wyoming continues?
5. Why did the EPA initially extend the public comment and review process two times?
6. Is the EPA backing away from its initial conclusions regarding the source of groundwater constituents detected in Pavillion water wells?
7. Will the Pavillion situation be included in any way or inform in any way the EPA's ongoing national review of the safety of hydraulic fracturing?
8. Has the EPA ensured in any way that there will be continuity between Wyoming officials' investigation and the one started by the EPA, and that Wyoming will continue to examine for the same constituent contaminants in Pavillion water that the EPA has raised initial questions and had initial findings about?

From: "Johnson, Alisha" <Johnson.Alisha@epa.gov>
Date: Thu, 20 Jun 2013 18:13:50 -0400
To: Abrahm Lustgarten <abrahm.lustgarten@propublica.org>
Subject: RE: Pavillion, WY

Hey there,

Won't be able to do an interview, but happy to get back to you on any questions you might have.

From: Abrahm Lustgarten [<mailto:Abrahm.Lustgarten@propublica.org>]
Sent: Thursday, June 20, 2013 6:11 PM
To: Johnson, Alisha
Subject: Pavillion, WY

Hi Alisha,

I've sent a note to Rich Mylott asking for an interview with one of the Pavillion research team members about the decision to turn that project over to Wyoming. Would you assent to that? And would you be able to make someone in Washington available to chat with me about it for a couple of minutes — probably Bob Perciaseppe since I've

seen his name mentioned in early reports about it?

Thanks,

Abrahm